

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. 1:18-cv-00129-RJJ
)	
v.)	
)	
JOHN DOE subscriber assigned IP address)	
24.247.224.162,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN WHICH IT HAS
TO SERVE JOHN DOE DEFENDANT WITH A SUMMONS AND AMENDED
COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Amended Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 24.247.224.162 (“Defendant”) on February 6, 2018, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff’s copyrighted works, all without Plaintiff’s consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff’s copyrighted works. *See id.*

2. On February 8, 2018, Plaintiff was granted leave to serve a third-party subpoena on Defendant’s ISP, Charter Communication, Inc., to obtain the Defendant’s identifying information [CM/ECF 7]. Plaintiff issued the subpoena on February 8, 2018 and received the ISP’s response on or about April 18, 2018.

3. Upon receipt of the subscriber’s identifying information, Plaintiff conducted a

thorough investigation and determined that the subscriber was indeed the infringer. Plaintiff is currently still conducting its investigation of the subscriber and requires additional time to prepare its Amended Complaint to name the Defendant.

4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than May 7, 2018.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended until at least thirty (30) days, or until June 6, 2018.

6. This motion is made in good faith and not for the purpose of undue delay.

7. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended until June 6, 2018. A proposed order is attached for the Court's convenience.

Dated: May 7, 2018

Respectfully submitted,

By: /s/ Joel A. Bernier
Joel A. Bernier, Esp. (P74226)
49139 Schoenherr Road
Shelby Township, MI 48315
Tel: (586) 991-7611
Fax: (586) 991-7612
Email: Bbclawgroup@gmail.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Joel A. Bernier